

REAUTHORIZATION OF THE  
MAGNUSON - STEVENS  
FISHERIES CONSERVATION & MANAGEMENT  
ACT

Testimony of Midcoast Maine Fishermen's Wives Association  
Pat Percy, Founder and spokesperson

9:30 a.m.  
Saturday, September 25, 1999

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Senator Olympia J. Snowe, Chair  
Subcommittee on Oceans and Fisheries  
Senate Committee on Commerce,  
Science and Transportation  
250 Senate Office Building  
Washington DC 20510

**Re:           Testimony of the 1996 amendments to the Sustainable Fisheries Act  
and Reauthorization of the Magnuson - Stevens Act**

Midcoast Maine Fishermen's Wives Association (MMFWA) is pleased to provide testimony on the reauthorization of the Magnuson - Stevens Fisheries, Conservation and Management Act and to discuss attributes and/or negatives spinning out of the 1996 Sustainable Fisheries Act. My name is Pat Percy. I am a founder and spokesperson for MMFWA.

MMFWA *mission statement* is: To educate Maine citizens about the salt water ecosystems of the Gulf of Maine; to ensure that our fisheries are well-managed and that our oceans and coastal environments are clean and safe; to foster Maine's long tradition of responsible stewardship of ocean resources so that our oceans and ocean-related industries coexist and thrive in a healthy, prosperous and sustainable environment.

MMFWA believes that it is essential to foster a continuing dialogue and work collaboratively with key partners and form links with all stakeholders. MMFWA links with the Island Institute, Island Fishermen's Wives Association, The Natural Resource Council of Maine, The Lobster Conservancy, Gloucester Fishermen's Wives Association, Massachusetts Fishermen's Partnership, Greenpeace and The Maine Sardine Council on a continuing basis. We also have formed links with associations in Down East Maine as well as organizations in Maritime Canada.

Fishermen are found depicted on the walls of the cavemen. We are referred to and written about in the Bible in the *Book of Psalms*, in *Mark*, in *Matthew* and in *John*. We are romanticized and extolled in literature in *Moby Dick*, in *Captains Courageous*, and in that quintessence of a fishing community, *Carousel*. How our spirits soar when we view our country's famous painting of *Washington Crossing the Delaware* and being rowed across the river by Marblehead, Massachusetts fishermen.

Maine was first settled in 1607 at Popham Beach which is referred to as the Popham Colony. The main source of food was fish, -today I live there- we are still a fishing

village that is part of the 144 coastal fishing communities found along the 3600 mile stretch of coast line of Maine. Much is known about the physical environment which fish populations and we share and exist. But the understanding of the social environment, the heart and soul, the spirit of hundreds of fishing communities and many thousands of fishing families on the New England coast line is very limited. Our towns and the sights, the sounds and the smells, yes the smells, in our coastal communities has meant economic opportunity and security for our rural state. The spirit and vitality that exists in the generations of fishermen, fishing families and fishing communities enables them to meet challenges, overcome obstacles and preserve for generations and generations. It is what we do well.

After World War II, the North West Atlantic was invaded with large fishing factory ships from away scooping up whole shoals of fish. The generational small scale fishermen had to this point been governed by a multitude of community regulations stipulating who should fish where and when, and with what fishing gear. Most problems were controlled by the fishing communities; rules concerning access and effort had evolved over generations as participants had learned through trial and error, what the water would or would not tolerate. The dismantling of community control and devaluating of local knowledge systems probably started with this foreign fleet invasion.

The fishing industry hoped and/or thought we were saved with the adoption of the Magnuson Act in the 70's. But we are not living in a perfect world and try as the Congress has it is not a perfect "Act" as yet. Which brings me to this day, to this hearing and to this committee.

Here are some of our views on the Magnuson - Stevens Act with a special look at the 1996 amendments known as the Sustainable Fisheries Act (SFA).

First, we believe that almost every fisheries management decision and interpretation of legislation relates to and is driven by that absolute known as maximum sustainable yield. (MSY) Since fishery management has not worked it would seem prudent to rethink some of the basic ideas with which our fisheries are governed. My background is not as a scientist, however to live and work in our little piece of heaven my family and I have had to educate ourselves in all kinds of things and terminology's. The best explanation of MSY for me I found printed in the May/June 1995 issue of *The Ecologist*. Their definition for MSY is: "the maximum number of fish that fishery biologists consider can be removed every year from a fishery without stocks diminishing". Well that may be true for a little while, however fish are not **static** nor **linear**, fisheries are dynamic and present a moving target so over the long haul the principle notion of Magnuson seems fundamentally flawed. Attempting to manage cod, herring and dogfish for example - all at an MSY level - creates large, perhaps impossible problems. This inflexible flaw does not allow a council to prioritize its management goals; i.e. allow dogfish to be fished down to reduce predation on immature groundfish and allow some continuing dogfish mortality as a regular bycatch in the herring fishery. Because of language in the SFA, the necessary principle of flexibility is no longer a tool afforded to the councils which

they must have to effect actions that take into account the dynamics to rebuild the stocks.

One section of the Act that should be strengthened is Sec. 402 - Information Collection. We feel that the Secretary should be required to develop research priorities with industry and use industry resources in a cooperative program to develop information that the industry can believe in. This section only says the Secretary "may" do some of this. Also, Sec. 404 - Fisheries Research requires the Secretary to do some of this. In 1996 this section was somewhat strengthened - yet we have not seen NMFS make cooperative research a priority.

Frankly, the 1996 changes went too far in minimizing the consideration of economic impact in fisheries management decisions. I suspect this problem stems from the fact that the SFA changed the definition of "optimum", specifically in this sentence: "...is prescribed as such for the basis of maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factor....". This change of definition for "optimum" is coming close to making the backbone of our state, our 144 fishing communities, redundant. Well, we are a very resilient people. We are your selectmen, school board members, your volunteer firemen and ambulance drivers, your Sunday school teachers, the fishing industry is what makes our state tick. I find it amazing and encouraging and refreshing that this committee is hearing a pretty unified voice from the industry. There appears to be universal agreement from industry concerning MSY and the problems that it has generated for everyone.

For hundreds of years the fishermen, their families and the fishing communities have been life long learners always willing to lend support to the community of man and their state and their region and their nation. It is still an accurate statement today. We have a natural optimism and a strong spirit exemplified by the hit song in *Carousel* "....and your dreams may be tossed and blown, walk on walk on with hope in your heart...". We have hope in our heart, Senator.

Thank you.

